



11-19-04

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: PATENT APPLICATION of
Inventor(s) Van Hamont, et al.

Appln. No.: 09/478,822 (U.S. Patent No. 5,705,197)
Issued January 1, 1998

Group Art Unit: 1617

Reissue Filed: January 6, 2000

Examiner: T. Criares

Title: EXTRACTION PROCESS FOR PRODUCING PLGA MICROSPHERES

Date: November 18, 2004

RESPONSE TO OFFICE ACTION

Hon. Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated June 18, 2004, we provide the following response and attachments.

Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Rejection of Claims 1-27 as Being Based Upon a Defective Reissue Declaration

In the June 18, 2004 Office Action, claims 1-27 are rejected as being based upon a defective reissue declaration. In response, we submit here a Supplemental Declaration which identifies a specific correctable error regarding the claims as originally issued being too narrow given the breadth of the disclosure in the specification. Specifically, Supplemental Declaration states on page 2 that

[T]he originally-issued claim 1 required in step (a) that a lyophilized biologically active material-sucrose matrix be prepared, and then acetonitrile solvent be added to form a solution. Step (b) in originally-issued claim 1 requires the preparation